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Eric M. Dessen
Associate Counsel
Law Department

February 15, 2008

Via Certified Mail - RRR

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Re: In the Matter of Consolidated Edison Company of New York, Inc.
Consent Agreement and Final Order
TSCA-02-2008-9209

Dear USEPA:

In line with the instructions set forth in Administrative Consent Agreement and Final Order for the above-referenced matter (the "CAFO"), a copy of which is attached, enclosed is a check made payable to the Treasurer of the United States of America in the amount of nine thousand nine hundred forty dollars (\$9,940.00) settling all allegations set forth the CAFO.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Eric Dessen

Enclosure

C: Via DHL
Ann Finnegan, USEPA
Regional Hearing Clerk, USEPA – Region 2

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW



4 Irving Place, New York, NY 10003

Mellon Bank N.A. Pittsburgh, PA
PAYEE CODE S6819

0000028605
DATE 02/13/2008

60-160
433

VOID AFTER 6 MONTHS

PAY NINE THOUSAND NINE HUNDRED FORTY AND 00/100 DOLLARS

\$*****9,940.00

TO THE
ORDER
OF

TREASURER OF THE UNITED
STATES OF AMERICA
MATTER OF CONSOLIDATED EDISON
COMPANY OF NEW YORK INC
NO TSCA-02-2008-9209

A handwritten signature in dark ink, appearing to read 'Joseph M. Waters', written over a horizontal line.
AUTHORIZED SIGNATURE

⑈0000028605⑈ ⑆043301601⑆ 000⑈3156⑈



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVE.
EDISON, NEW JERSEY 08837

JAN 30 2008

CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

RECEIVED

FEB 04 2008

Randy Price

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003-3598

Re: In the Matter of Consolidated Edison Company of New York, Inc.
Docket No. TSCA-02-2008-9209

Dear Mr. Price:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of the payment check is mailed to the EPA staff member listed in that section of the Agreement.

Please contact Ann Finnegan of my staff at (732) 906-6177, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth S. Stoller".

Kenneth S. Stoller, P.E., QEP, DEE
Chief
Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X	:	
In the Matter of	:	
	:	<u>CONSENT AGREEMENT</u>
Consolidated Edison Company	:	<u>AND</u>
of New York, Inc.,	:	<u>FINAL ORDER</u>
	:	
Respondent.	:	
	:	Docket No.
Proceeding under Section 16(a) of	:	TSCA-02-2008-9209
the Toxic Substances Control Act.	:	
-----X	:	

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency ("EPA" or "Complainant"), alleges that Respondent Consolidated Edison Company of New York, Inc. ("ConEd") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and ConEd agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is Consolidated Edison Company of New York, Inc.
2. During an October 24, 2007 telephone conversation and subsequent electronic mail messages, Respondent notified EPA that, on September 24, 2007, they had shipped one drum of PCB waste for disposal from Respondent's site located at Boston Road and Eastchester Bridge, Bronx, New York without identifying it as PCB waste on EPA Manifest Form 8700-22.
3. By copy of a November 16, 2007 letter to the New York State Department of Environmental Conservation, Respondent notified EPA that, on October 17, 2007, they had shipped nine drums of PCB waste for disposal from Respondent's site located at 64th Street and 7th Avenue, Brooklyn, New York without identifying it as PCB waste on EPA Manifest Form 8700-22.
4. On two occasions, Respondent failed to properly identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a). In each case, Respondent failed to specify the unique identifying number of each PCB Container, the identity of the PCB waste, and the earliest date of removal from service for disposal of the PCB waste.
5. Complainant sent to Respondent a "Notice of Opportunity Related to Enforcement Action Under the Toxic Substances Control Act", which alleged the Respondent committed two violations of the regulations regarding polychlorinated biphenyls.

CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facilities which are the subject of this action, is subject to the regulations and requirements pertaining to PCBs and PCB Items

promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.

2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.
3. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 is a violations of 40 C.F.R. § 761.207(a), which is a violation of Section 6(e) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(e), 2614(1)(C).

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall, comply with the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.
2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.
3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **Nine Thousand Nine Hundred Forty Dollars (\$ 9,940)**, payable to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such check shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000.

Alternatively, payment may be by Electronic Fund Transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account: 68010727
- 4) ABA number: 021030004
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"
- 6) Name of Respondent
- 7) Docket Number

Promptly after payment has been made, Respondent shall send copies of this payment or furnish reasonable proof that such payment has been made to both:

Ann Finnegan, Life Scientist
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS-105
Edison, New Jersey 08837

and

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007

Payment must be received at the above address on or before 45 calendar days after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date").

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid. A

6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations in the Complaint. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

5. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement, and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

6. Respondent explicitly waives its right to request or to seek any Hearing on the Complaint or any of the allegations therein asserted, on this Consent Agreement or the Findings of Fact and Conclusions of Law herein, or the accompanying Final Order.

7. Respondent waives any right it may have pursuant to 40 C.F.R. 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

8. This Consent Agreement does not waive, extinguish, or otherwise effect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.

10. Each party shall bear its own costs and attorneys fees in this matter.

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

BY: Randolph Price
Consolidated Edison Company of New
York, Inc.

NAME: RANDOLPH PRICE
(PLEASE PRINT)

TITLE: VP- EH&S

DATE: January 4, 2008

COMPLAINANT:

[Signature]
Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection
Agency - Region 2
290 Broadway
New York, NY 10007

PATRICK
DURAN FOR DE

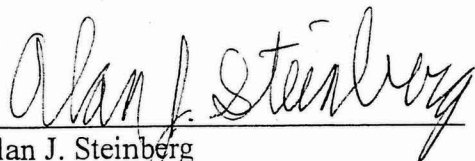
DATE: JANUARY 9, 2008

In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number 2-TSCA-2008-9209

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2 concurs in the foregoing Consent Agreement in the case of In the Matter of Consolidated Edison Company of New York, Inc. bearing Docket Number TSCA-02-2008-9209. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute and order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: 1-25-08


Alan J. Steinberg
Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007

In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number 2-TSCA-2008-9209

CERTIFICATE OF SERVICE

This is to certify that on the *31st* day of *January* 2008, I served a true and correct copy of the foregoing fully executed Consent Agreement and Final Order bearing Docket Number TSCA-02-2008-9209, by certified mail, return receipt requested, to:

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003-3598

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 the original and one copy of the foregoing Consent Agreement and Final Order.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: JAN - 9 2008

SUBJECT: In the Matter of Consolidated Edison Company of New York, Inc.
Docket No. TSCA-02-2008-9209

FROM: Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Original signed by
Patrick Durack

TO: Alan J. Steinberg
Regional Administrator

Attached please find a Consent Agreement and Final Order for your signature. This is part of a consolidated action taken pursuant to our Consolidated Rules of Practice (40 C.F.R. § 22.18(b)(2) and (3)), which provide that a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint. This Consent Agreement will commence and settle an enforcement action against the above referenced party under Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a).

The Respondent, is the owner of facilities that have owned, used and maintained, stored or disposed of PCBs and PCB Items. On October 24, 2007, and on November 16, 2007, Respondent notified EPA of potential violations of the Toxic Substances Control Act (TSCA) which may have occurred at one or more of Respondent's sites. Additional information was provided in subsequent telephone conversations and electronic communications. Based on our review of this information, EPA determined that Respondent had, on two separate occasions:

1. Failed to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22, in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).

A Notice of Opportunity Related to Enforcement Action ("Notice") was issued in lieu of a Complaint and Notice of Opportunity for Hearing. A civil penalty of \$ 28,400 was proposed in this Notice. The amount of the penalty was calculated in conformance with the "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770 (1980)) and the "Polychlorinated Biphenyls (PCB) Penalty Policy" (April 9, 1990).

In combination with issuance of the Notice, we included a Consent Agreement and Final Order in order to expedite settlement of this matter. In this Consent Agreement, in order to reach an equitable settlement, we offered Respondent a reduced penalty of \$ 9,940. This settlement offer included a reduction of 40% (\$ 11,360) in recognition of Respondent's timely self-disclosure of the violations and the fact that Respondent took all actions necessary to address the situations and come into compliance with the regulations. We also included a 15% reduction (\$ 4,260) for Respondent's good faith and promptness in coming into compliance. Due to Respondent's anticipated willingness to settle these matters in an expeditious manner, an additional 10% reduction (\$ 2,840) was allowed under the "as justice may require" portion of the penalty policy in consideration of the savings to the Agency in time and cost of litigation.

This penalty was reduced in accordance with the "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", and the "Polychlorinated Biphenyls (PCB) Penalty Policy". Respondent has agreed to this penalty, and has signed the Consent Agreement.

If this Consent Agreement and Final Order meets with your approval, please sign it and return it to me. If you have any questions regarding this matter, please call me.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

DEC 17 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, N.Y. 10003-3598

Re: Notice of Opportunity with Respect to Action Under Toxic Substances Control Act

Dear Mr. Price:

On or about October 24, 2007, a representative of Consolidated Edison Company of New York, Inc. ("ConEd") notified U.S. Environmental Protection Agency ("EPA") Region 2 personnel that ConEd may have committed a violation of the Toxic Substances Control Act (TSCA). By copy of a letter to the New York State Department of Environmental Conservation dated November 16, 2007, ConEd notified EPA that they may have committed a second violation of TSCA. Additional information was provided to my staff subsequent to these notifications.

Based on the information provided, EPA believes that ConEd is in violation of the regulations relating to polychlorinated biphenyls (PCBs), codified at 40 C.F.R. Part 761 and promulgated under authority of Section 6 of TSCA, 15 U.S.C. § 2605. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, EPA is authorized to commence civil administrative actions for the assessment of civil penalties for violations of the above cited regulations.

Based upon the available information, EPA has tentatively determined that ConEd would be liable to the United States for two violations of the regulations at 40 C.F.R. Part 761 regarding the manifesting of PCB waste. Consistent with the provisions set forth in EPA's "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act," which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770), and EPA's April 9, 1990 "PCB Penalty Policy", the United States may assess a penalty of up to \$ 28,400 for such violations. A more detailed description of the violation and potential penalty is included as an enclosure to this letter.

However, our Consolidated Rules of Practice, at 40 C.F.R. §22.13(b), now permit the simultaneous commencement and conclusion of a proceeding without the issuance of a

complaint. Any such settlement must be in conformance with the appropriate EPA Enforcement Response Policy and would include ConEd agreeing to pay a monetary penalty as part of a Consent Agreement and Final Order (CAFO). EPA is prepared to consider such an approach in this case, and hereby offers to settle this matter for \$ 9,940. This reflects a 40 % reduction for the voluntary nature of ConEd's disclosure, as well as an additional 25 % reduction from the original penalty that could have been assessed for the above-described violations.

For your convenience, I have enclosed a CAFO for your review. If you agree with this settlement offer, please sign the original provided and return it for further processing within twenty (20) days of receipt to the attention of Ann Finnegan at the following address:

United States Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue - MS105
Edison, NJ 08837

A fully executed copy of this document will be mailed to you upon issuance.

If we are unable to reach an expeditious settlement, EPA is prepared to issue an Administrative Complaint in this matter. I have enclosed copies of the Consolidated Rules of Practice (40 C.F.R. Part 22), the PCB penalty policies, and the Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings.

If you have any questions regarding the penalty determination or the settlement process, or would like to schedule a conference to further discuss this matter, please contact Ms. Finnegan at (732) 906-6177.

Sincerely,

Kenneth S. Stoller, P.E., QEP, DEE
Chief
Pesticides and Toxic Substances Branch

Enclosures

Enclosure
Violations and Penalty

1. Failure to Manifest PCB Waste:

Pursuant to 40 C.F.R. § 761.207(a), Respondent was required to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22. Respondent was required to specify, for each PCB Container, the unique identifying number, identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

On or about September 24, 2007, ConEd sent approximately 12 drums of waste from a site located at Boston Road and Eastchester Bridge, Bronx, New York to Cycle Chem Inc. in Elizabeth, New Jersey under Bill of Lading 102453. Upon receipt of the waste, Cycle Chem sampled it and discovered that the waste in one of the drums was contaminated with PCBs at approximately 11,595 parts per million.

Circumstance Level: 1

Extent Category: **Minor (amount less than 220 gallons)**

Gravity-based Penalty for this violation: **\$ 6,448**

2. Failure to Manifest PCB Waste:

Pursuant to 40 C.F.R. § 761.207(a), Respondent was required to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22. Respondent was required to specify, for each PCB Container, the unique identifying number, identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

On or about October 17, 2007, ConEd sent approximately 9 drums of waste from a site located at 64th Street and 7th Avenue, Brooklyn, New York to Triumvirate Environmental, LLC in Astoria, New York under Non-Hazardous Waste Manifest 105943. Con Ed later discovered that the source of the waste was contaminated with PCBs up to 12 parts per million.

Circumstance Level: 1

Extent Category: **Significant (amount between 220 and 1,100 gallons)**

Gravity-based Penalty for this violation: **\$ 21,922**

Total Gravity-Based Penalty: \$ 28,370

In accordance with Agency policies regarding modifications to the relevant penalty policies, the total gravity-based penalty amount is rounded to the nearest unit of 100 dollars.

Total Proposed Penalty (rounded off per EPA policy): \$ 28,400

40 % Reduction for voluntary self-disclosure within 30 days and takes all required steps:	- \$ 11,360
15 % Reduction for attitude and timely compliance:	- \$ 4,260
10 % Reduction for expeditious settlement	- <u>\$ 2,840</u>

EPA's settlement offer: \$ 9,940

References:

1. EPA's "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act" [September 10, 1980, in Federal Register (45 Fed. Reg. 59,770)]
2. EPA's "PCB Penalty Policy" (April 9, 1990)
3. The Civil Monetary Penalty Inflation Adjustment Rule [February 13, 2004, in Federal Register (69 FR 7121)]
4. Penalty Policy Supplements pursuant to the Civil Penalty Inflation Adjustment Rule (April 18, 1997)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: JAN - 9 2008

SUBJECT: In the Matter of Consolidated Edison Company of New York, Inc.
Docket No. TSCA-02-2008-9209

FROM: Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Approved Dore LaPosta
EPA

TO: Alan J. Steinberg
Regional Administrator

Attached please find a Consent Agreement and Final Order for your signature. This is part of a consolidated action taken pursuant to our Consolidated Rules of Practice (40 C.F.R. § 22.18(b)(2) and (3)), which provide that a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint. This Consent Agreement will commence and settle an enforcement action against the above referenced party under Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a).

The Respondent, is the owner of facilities that have owned, used and maintained, stored or disposed of PCBs and PCB Items. On October 24, 2007, and on November 16, 2007, Respondent notified EPA of potential violations of the Toxic Substances Control Act (TSCA) which may have occurred at one or more of Respondent's sites. Additional information was provided in subsequent telephone conversations and electronic communications. Based on our review of this information, EPA determined that Respondent had, on two separate occasions:

1. Failed to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22, in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).

A Notice of Opportunity Related to Enforcement Action ("Notice") was issued in lieu of a Complaint and Notice of Opportunity for Hearing. A civil penalty of \$ 28,400 was proposed in this Notice. The amount of the penalty was calculated in conformance with the "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", which was published on September 10, 1980 in the Federal Register (45 Fed. Reg. 59,770 (1980)) and the "Polychlorinated Biphenyls (PCB) Penalty Policy" (April 9, 1990).

In combination with issuance of the Notice, we included a Consent Agreement and Final Order in order to expedite settlement of this matter. In this Consent Agreement, in order to reach an equitable settlement, we offered Respondent a reduced penalty of \$ 9,940. This settlement offer included a reduction of 40% (\$ 11,360) in recognition of Respondent's timely self-disclosure of the violations and the fact that Respondent took all actions necessary to address the situations and come into compliance with the regulations. We also included a 15% reduction (\$ 4,260) for Respondent's good faith and promptness in coming into compliance. Due to Respondent's anticipated willingness to settle these matters in an expeditious manner, an additional 10% reduction (\$ 2,840) was allowed under the "as justice may require" portion of the penalty policy in consideration of the savings to the Agency in time and cost of litigation.

This penalty was reduced in accordance with the "Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", and the "Polychlorinated Biphenyls (PCB) Penalty Policy". Respondent has agreed to this penalty, and has signed the Consent Agreement.

If this Consent Agreement and Final Order meets with your approval, please sign it and return it to me. If you have any questions regarding this matter, please call me.

Attachment



Eric M. Dessen
Associate Counsel

January 4, 2008

Ms. Ann M. Finnegan
U.S. Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue – MS105
Edison, New Jersey 08837

**Re: In the Matter of Consolidated Edison Company of New York, Inc.
Consent Agreement and Final Order
TSCA-02-2008-9209**

Dear Ms. Finnegan:

In line with the instructions set forth in EPA's Notice of Opportunity with Respect to Action Under the Toxic Substances Control Act dated December 28, 2007, enclosed is Con Edison's signed Consent Agreement and Final Order ("CAFO") for the above-referenced matter.

Please have EPA sign the CAFO and return a fully executed copy to Con Edison. Upon receipt of the fully executed CAFO, Con Edison will process and send a cashier's or certified check in the amount of nine thousand nine hundred and forty dollars (\$9,940.00) to EPA in line with the terms of the CAFO.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eric Dessen

Enclosure

Enforcement Action Information Checklist/Concurrence Sheet

Enforcement Action Name: Con Ed

Docket Number: TSCA-02-2008-9209

BRANCH CHIEF CHECKLIST

- Case Initiation and/or Case Conclusion Data Sheet(s) is Complete and Accurate [except for order/action signature date]	<input checked="" type="radio"/> Yes	<input type="radio"/> No
- Small Business, Federal Facility, National or Regional Priority, EJ designations are included, as appropriate	<input checked="" type="radio"/> Yes	<input type="radio"/> No
- Penalty Calculations have been reviewed and are correct	<input checked="" type="radio"/> Yes	<input type="radio"/> No / N.A.
- Environmental Benefit Calculations have been reviewed and are correct	<input checked="" type="radio"/> Yes	<input type="radio"/> No / <input checked="" type="radio"/> N.A.
- Compliance Schedule information to be entered into the DECA "DATES" system within two weeks	<input checked="" type="radio"/> Yes	<input checked="" type="radio"/> N.A.
- Respondent provided with IRS website regarding SEP tax deductibility	<input checked="" type="radio"/> Yes	<input type="radio"/> No / <input checked="" type="radio"/> N.A.
<p>- Check box to indicate big case status:</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Not a big case <input type="checkbox"/> Penalty >= \$1 million <input type="checkbox"/> Volume of contaminated media addressed (VCMA) >= 1 million cubic yards </div> <div> <input type="checkbox"/> Complying action/ injunctive relief >= \$5 million <input type="checkbox"/> Pollutants reduced/treated >= 1 million pounds </div> </div> <p>- Check box to indicate SEP status or reason for exclusion:</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> SEP Included <input type="checkbox"/> Increased Overall Cost <input type="checkbox"/> Small Environmental Staff <input type="checkbox"/> Other (Explain) </div> <div> <input type="checkbox"/> Administrative Burden <input type="checkbox"/> Timing of SEP Completion <input type="checkbox"/> Expiration of ALJ Deadline / Case Going to Litigation </div> <div> <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Can't identify a SEP </div> </div> <p>- Please explain if there is a reason <u>EPA</u> does not want a SEP be developed.</p>		

Branch Chief signature and date Patrick Durack 11/14/07

Original signature

JAN - 9 2008

<u>Case Information, Penalty Calculations, and Environmental Benefit Calculations</u>	<u>Developed by</u> (signature and date)	<u>Reviewed by</u> (signature and date)
- Case Initiation and/or Case Conclusion Data Sheet(s)	<u>AP 11/14/07</u>	<u>DJK 11/15/07</u>
- Penalty Calculations	<u>AP 11/14</u>	<u>DJK 11/15/07</u>
- Environmental Benefit Calculations (including "complying actions")	<u>NA</u>	<u>DJK</u>

Please return this sheet to Branch Chief after order is signed and dated.



Consolidated Edison Company
of New York, Inc.
4 Irving Place
New York, N.Y. 10003

December 28, 2007

Ms. Ann Finnegan
US Environmental Protection Agency
Toxic Substances Section
Raritan Depot
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Reference: November 16 and 29, 2007 letters - Unmanifested PCB Waste Shipment
Notification – Documentation of Proper Disposal

Generator: Consolidated Edison Company of New York, Inc.
64th St. and 7th Avenue, Brooklyn, NY
(NYP004154738)

Transporter: Consolidated Edison Company of New York, Inc.
(NYD006982359)

TSDf: Triumvirate Environmental (NYC), LLC
42-14 19th Avenue, Astoria, NY 11105
(NYD077444263)

Dear Ms. Finnegan:

In response to your request for TSDf disposal documentation for this waste shipment, Con Edison is providing the following information:

A copy of the ultimate TSDf-signed hazardous waste manifest for the nine waste drums at issue has been received by Con Edison. These drums were originally delivered to Triumvirate Environmental (NYC), LLC on Monday October 22, 2007. On October 25, 2007, Triumvirate bulked these drums together with other Con Edison wastes into a one-cubic yard container. This container was shipped from the Triumvirate Environmental facility to the Environmental Quality (EQ) Wayne Disposal Inc. landfill on December 18, 2007. The shipment was received at the EQ Wayne Disposal Inc. facility on December 21, 2007. Attached is a copy of the hazardous waste manifest, 001017952JJK, used by Triumvirate to ship these wastes to EQ. The original nine drums are represented by one of the cubic yard containers listed on line 9b.4 of the manifest.

Also enclosed with this letter are copies of our November 16 and November 29, 2007 letters to NYSDEC, and EPA, respectively, with respect to this incident. Con Edison has concluded its investigation of this event and has confirmed the cause described in our November 16 letter to NYSDEC.

Very truly yours,



Thomas P. Teeling
Senior Scientist
Corporate EH&S

Enclosures (3)

CC: E. Dessen
P. Manning
D. Roche
W. Fenner
J. Riback

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number NYD077444263	2. Page 1 of 1	3. Emergency Response Phone 1-800-966-9282	4. Manifest Tracking Number 001017952 JJK	
5. Generator's Name and Mailing Address Triumvirate Environmental Outbound 42-14 19th Ave. Astoria, NY 11105 Generator's Phone: (718)274-3335				Generator's Site Address (if different than mailing address) 42-14 19th Avenue Astoria, New York 11105		
6. Transporter 1 Company Name SJ Transportation Company, Inc.				U.S. EPA ID Number NJ D071629976		
7. Transporter 2 Company Name EQ Industrial Service				U.S. EPA ID Number MID000263871		
8. Designated Facility Name and Site Address EQ Wayne Disposal, Inc. 49350 North I-94 Service Drive Belleville, MI 48111 Facility's Phone: 800-592-5489				U.S. EPA ID Number MID048090633		
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.
	X	Polychlorinated biphenyls, solid 9, UN3432, II	001	DF	00005	K
	X	Polychlorinated biphenyls, solid 9, UN3432, II	005	DM	00530	K
	X	Polychlorinated biphenyls, solid 9, UN3432, II	030	DM	00460	K
	X	Polychlorinated biphenyls, solid 9, UN3432, II	002	CF	02728	K
13. Waste Codes B007 PCB L						
14. Special Handling Instructions and Additional Information 1 - (1 x 5) 002406PAF (Out Of Service Date- 8/17/2007) 2 - (5 x 55) 002406PAF (Out Of Service Date- 10/21/2007) 3 - (x) 051805PAB (Out Of Service Date- 12/18/2007) 4 - (2 x Cubic Yard Box) 002406PAF (Out Of Service Date- 12/18/2007) 83D121707 cont ID001 - cont ID004						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Officer's Printed/Typed Name DILIP JAIRAM				Signature Month Day Year 12 18 07		
INTL	16. International Shipments <input type="checkbox"/> Import to U.S. <input checked="" type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.:					
	Transporter signature (for exports only):					
TRANSPORTER	17. Transporter Acknowledgment of Receipt of Materials					
	Transporter 1 Printed/Typed Name William Kowalski			Signature Month Day Year 12 20 07		
DESIGNATED FACILITY	Transporter 2 Printed/Typed Name Danielle Edwards			Signature Month Day Year 12 20 07		
	18. Discrepancy					
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input checked="" type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
OK to add waste codes to sec. 13 + change ser 14 per TSD rule 12/20/07-88 Partial Rejection due to Free liquid medium produced during 12/20/07-88 Manifest Reference Number: 001017952 JJK						
18b. Alternate Facility (or Generator) Triumvirate Environmental Outbound 42-14 19th Ave. Astoria, NY 11105				U.S. EPA ID Number NYD077444263		
Facility's Phone:				Month Day Year		
18c. Signature of Alternate Facility (or Generator)				Month Day Year		
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1. H132		2. H132		3. H132		4. H132
20. Designated Facility Owner or Operator. Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name RYAN RUSHMAN				Signature Month Day Year 12 21 07		



November 29, 2007

Mary Adamo
Vice President
Central Field Services

Ms. Ann Finnegan
US Environmental Protection Agency
Toxic Substances Section
Raritan Depot
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Reference: Request for Additional Information – November 16, 2007 - Unmanifested
Waste Shipment Notification Letter

Generator: Consolidated Edison Company of New York, Inc.
64St and 7th Ave, Brooklyn, N. Y. (NYP004154738)

Transporter: Consolidated Edison Company of New York, Inc.
(NYD006982359)

TSDF: Triumvirate Environmental (NYC), LLC
42-14 19th Avenue, Astoria, NY 11105
(NYD077444263)

Dear Ms. Finnegan:

In response to your request during your November 26, 2007 telephone conversation with Wendell Fenner, Con Edison is providing the following information you requested related to Con Edison's November 16, 2007 Unmanifested Waste Notification Letter:

1. copies of the laboratory reports for PCB analysis used to classify this waste as a PCB source waste;
2. a copy of the Con Edison Incident Report for the transformer oil spill which created this waste; and
3. documentation that this waste has been disposed at a TSCA permitted disposal facility.

Also enclosed with this letter is a copy of the November 16, 2007 letter.

Con Edison delivered this waste to Triumvirate Environmental (NYC) LLC in Astoria, NY on October 22, 2007. On November 27, 2007, Triumvirate Environmental confirmed that the waste is still in storage at their Astoria facility and is scheduled for shipment to the Environmental Quality -Wayne Disposal Inc. landfill in Belleville, MI during the week of December 3, 2007. Con Edison will provide confirmation of ultimate disposal once the shipment has been completed.

Con Edison is still investigating this situation and will contact the agency when additional information is obtained.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Adamo".

Enclosures

CC: E.Dessen
P.Manning
D.Roche
W.Fenner



Consolidated Edison Company
of New York, Inc.
31-01 20th Avenue
Long Island City NY 11105-2048
www.conEd.com

November 16, 2007

Mr. Roland Ivers
New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Program Management
625 Broadway, 9th Floor
Albany, NY 12233-7250

Reference: Non-Hazardous Waste Manifest #105943
Uniform Hazardous Waste Manifest Tracking Number 000328874 FLE

Generator: Consolidated Edison Company of New York, Inc.
64St and 7th Ave, Brooklyn, N. Y. (NYP004154738)

Transporter: Consolidated Edison Company of New York, Inc.
(NYD006982359)

TSDf: Triumvirate Environmental (NYC), LLC
42-14 19th Avenue, Astoria, NY 11105
(NYD077444263)

Dear Mr. Ivers:

This letter notifies you of the following manifest discrepancy for the above reference waste shipment:

On October 17, 2007, nine drums of oily debris were shipped from a Con Edison field spill clean-up site in Brooklyn, N.Y. to Triumvirate Environmental in Astoria, N.Y. on a non-hazardous waste manifest.

The drums were labeled with a "Non-Hazardous PCB" label which was to indicate that the PCB waste was actually <50 ppm PCBs and, therefore, not a New York State hazardous waste. After some research, it was determined that the spill clean-up involved three underground vaults containing electrical transformers that were interconnected via the duct work. Two on the vaults had a PCB concentration of 20 ppm and one had a concentration of 122 ppm.

Non-hazardous waste manifest (enclosed) was used for the PCB shipment. As per 40 CFR Part 761, Section 207, Paragraph (a), a manifest on EPA Form 8700-22 must be used the transport PCB waste to a commercial off-site storage or disposal facility.

Since, there was no individual conformation of the actual PCB concentration in the drums and the conflicting information on the labels; we believe that the anti-dilution provision must be applied. Subsequently, an EPA provisional ID number was obtained for the field site and a manifest #000328874FLE (enclosed) provided to Triumvirate Environmental with a New York State waste code of B007.

Con Edison has confirmation from Triumvirate Environmental that ultimate disposal will be in a TSCA permitted landfill.

If you have any questions, please contact Wendell Fenner at (718) 204-4404.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Joseph Moyik", written in a cursive style.

Joseph Moyik
Department Manager
Central Field Services

Enclosures

Copy: Ann Finnegan
USEPA Region II



November 29, 2007

Mary Adamo
Vice President
Central Field Services

Ms. Ann Finnegan
US Environmental Protection Agency
Toxic Substances Section
Raritan Depot
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Reference: Request for Additional Information – November 16, 2007 - Unmanifested Waste Shipment Notification Letter

Generator: Consolidated Edison Company of New York, Inc.
64St and 7th Ave, Brooklyn, N. Y. (NYP004154738)

Transporter: Consolidated Edison Company of New York, Inc.
(NYD006982359)

TSDF: Triumvirate Environmental (NYC), LLC
42-14 19th Avenue, Astoria, NY 11105
(NYD077444263)

Dear Ms. Finnegan:

In response to your request during your November 26, 2007 telephone conversation with Wendell Fenner, Con Edison is providing the following information you requested related to Con Edison's November 16, 2007 Unmanifested Waste Notification Letter:

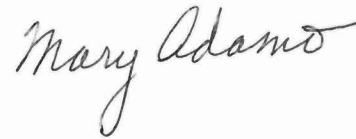
1. copies of the laboratory reports for PCB analysis used to classify this waste as a PCB source waste;
2. a copy of the Con Edison Incident Report for the transformer oil spill which created this waste; and
3. documentation that this waste has been disposed at a TSCA permitted disposal facility.

Also enclosed with this letter is a copy of the November 16, 2007 letter.

Con Edison delivered this waste to Triumvirate Environmental (NYC) LLC in Astoria, NY on October 22, 2007. On November 27, 2007, Triumvirate Environmental confirmed that the waste is still in storage at their Astoria facility and is scheduled for shipment to the Environmental Quality -Wayne Disposal Inc. landfill in Belleville, MI during the week of December 3, 2007. Con Edison will provide confirmation of ultimate disposal once the shipment has been completed.

Con Edison is still investigating this situation and will contact the agency when additional information is obtained.

Very truly yours,

A handwritten signature in cursive script that reads "Mary Adamo".

Enclosures

CC: E.Dessen
P.Manning
D.Roche
W.Fenner



Consolidated Edison Company
of New York, Inc.
31-01 20th Avenue
Long Island City NY 11105-2048
www.conEd.com

November 16, 2007

Mr. Roland Ivers
New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Program Management
625 Broadway, 9th Floor
Albany, NY 12233-7250

Reference: Non-Hazardous Waste Manifest #105943
Uniform Hazardous Waste Manifest Tracking Number 000328874 FLE

Generator: Consolidated Edison Company of New York, Inc.
64St and 7th Ave, Brooklyn, N. Y. (NYP004154738)

Transporter: Consolidated Edison Company of New York, Inc.
(NYD006982359)

TSDF: Triumvirate Environmental (NYC), LLC
42-14 19th Avenue, Astoria, NY 11105
(NYD077444263)

Dear Mr. Ivers:

This letter notifies you of the following manifest discrepancy for the above reference waste shipment:

On October 17, 2007, nine drums of oily debris were shipped from a Con Edison field spill clean-up site in Brooklyn, N.Y. to Triumvirate Environmental in Astoria, N.Y. on a non-hazardous waste manifest.

The drums were labeled with a "Non-Hazardous PCB" label which was to indicate that the PCB waste was actually <50 ppm PCBs and, therefore, not a New York State hazardous waste. After some research, it was determined that the spill clean-up involved three underground vaults containing electrical transformers that were interconnected via the duct work. Two on the vaults had a PCB concentration of 20 ppm and one had a concentration of 122 ppm.

Non-hazardous waste manifest (enclosed) was used for the PCB shipment. As per 40 CFR Part 761, Section 207, Paragraph (a), a manifest on EPA Form 8700-22 must be used the transport PCB waste to a commercial off-site storage or disposal facility.

Since, there was no individual conformation of the actual PCB concentration in the drums and the conflicting information on the labels; we believe that the anti-dilution provision must be applied. Subsequently, an EPA provisional ID number was obtained for the field site and a manifest #000328874FLE (enclosed) provided to Triumvirate Environmental with a New York State waste code of B007.

Con Edison has confirmation from Triumvirate Environmental that ultimate disposal will be in a TSCA permitted landfill.

If you have any questions, please contact Wendell Fenner at (718) 204-4404.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joseph Moyik", written in a cursive style.

Joseph Moyik
Department Manager
Central Field Services

Enclosures

Copy: Ann Finnegan
USEPA Region II

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Manifest Tracking Number	
5. Generator's Name and Mailing Address		NYP604159738	1	(718) 204-4100	000328874 FLE	
CONSOLIDATED EDISON CO. OF N.Y. INC 31-01 20TH AVE, LIC, NY 11105		Generator's Site Address (if different than mailing address)		64TH ST + 7TH AVE BROOKLYN, N.Y.	V-0488 V-2409 V-3000	
Generator's Phone: (718) 204-4090						
6. Transporter 1 Company Name		U.S. EPA ID Number		NYD006982359		
CONSOLIDATED EDISON COMPANY OF N.Y. INC						
7. Transporter 2 Company Name		U.S. EPA ID Number				
8. Designated Facility Name and Site Address		U.S. EPA ID Number		NYD077444263		
TRIUMVIRATE ENVIRONMENTAL (NYC), LLC 42-14 19TH AVE, ASTORIA, NY 11105						
Facility's Phone: (718) 274-3339						
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes
		No.	Type			
	1. NON-DOT REGULATED (POLYCHLORINATED BIPHENYLS SOLID) (C0008A)	9	DM	360	K	8007 L
	2.					
	3.					
	4.					
14. Special Handling Instructions and Additional Information						
9(b) 1 PCB SOURCE WASTE (122 PPM) ERG 171 01/10 10/17/07 LICENSE # 12446 JT ACT # C7160						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Offoror's Printed/Typed Name		Signature		Month Day Year		
Cerdas Joseph		Cerdas Joseph		10/17/07		
16. International Shipments <input checked="" type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.:						
17. Transporter Acknowledgment of Receipt of Materials						
Transporter 1 Printed/Typed Name		Signature		Month Day Year		
Andre Joseph		Cerdas Joseph		10/17/07		
Transporter 2 Printed/Typed Name		Signature		Month Day Year		
18. Discrepancy						
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
18b. Alternate Facility (or Generator) Manifest Reference Number: U.S. EPA ID Number						
Facility's Phone:						
18c. Signature of Alternate Facility (or Generator) Month Day Year						
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1. H41		2.		3.		4.
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name		Signature		Month Day Year		
CHRISTOPHER CANALE		CHRISTOPHER CANALE		10/22/07		

NH11668

NON-HAZARDOUS WASTE MANIFEST

Please print or type (Form designed for use on elite (12 pitch) typewriter)

NON-HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No. 105943		2. Page 1 of 1	
3. Generator's Name and Mailing Address Consolidated Edison Co of N.Y. INC 37-01 20th ave Astoria, NY. 11105							
4. Generator's Phone 718 204-4650 ATTN: M. CAAMANO				Gemo			
5. Transporter 1 Company Name Consolidated Edison Co		6. US EPA ID Number 1NYD006982359		A. State Transporter's ID 12946 JT			
7. Transporter 2 Company Name		8. US EPA ID Number		B. Transporter 1 Phone 718 204 4100			
9. Designated Facility Name and Site Address Triumvirat Environmental (NYC) LLC 42-14 19th ave Astoria, NY. 11105				10. US EPA ID Number 1NYD071444263		C. State Transporter's ID	
				D. Transporter 2 Phone			
				E. State Facility's ID			
11. WASTE DESCRIPTION				F. Facility's Phone 718 274-3339			
a. Non Hazardous - NON DOT Regulated waste				12. Containers No. 9	Type JM	13. Total Quantity 360	14. Unit Wt./Vol. Est 124
b.							
c.							
d.							
G. Additional Descriptions for Materials Listed Above 11A) Oily Debris (W00001d) [93212-203 (9455)] Rec # C7160				H. Handling Codes for Wastes Listed Above 1.L			
15. Special Handling Instructions and Additional Information 64th ST + 7th AVE. BROOKLYN							
16. GENERATOR'S CERTIFICATION: I hereby certify that the contents of this shipment are fully and accurately described and are in all respects in proper condition for transport. The materials described on this manifest are not subject to federal hazardous waste regulations.							
Printed/Typed Name Andre Joseph				Signature Andre Joseph		Date Month Day Year 10/17/07	
17. Transporter 1 Acknowledgement of Receipt of Materials				Signature Andre Joseph		Date Month Day Year 10/17/07	
Printed/Typed Name Andre Joseph				Signature Andre Joseph		Date Month Day Year 10/17/07	
18. Transporter 2 Acknowledgement of Receipt of Materials				Signature		Date Month Day Year	
Printed/Typed Name				Signature		Date Month Day Year	
19. Discrepancy Indication Space							
20. Facility Owner or Operator; Certification of receipt of the waste materials covered by this manifest, except as noted in item 19.							
Printed/Typed Name CHRISTOPHER CANALE				Signature Chris Canale		Date Month Day Year 10/22/07	





Detail Incident Report

Brooklyn Electric Operations

Incident ID: **208367 / 35**

Closed

Agency Approval Not Required

Sewer / Water Affected: ☐ Permit Incident: ☐ Fire/Smoke Involved: ☐ Precipitation: ☐ On-going Leak: ☐ Private Property Affected: ☐ Injured Person: ☐

Incident Type: Spill - Oil De Minimis underground - quarterly reporting

Title: V-488,VS-2409,VS-3000, 1 GAL UNKNOWN OIL ON DIRT IN EACH VAULT. ALSO 1/2 GAL OIL IN V-1662.

Discovered Date: 10/03/2007 12:45

First Reported: 10/03/2007 12:58

First Reported to CIG:

Cleanup Completed/Stopped: 10/17/2007 21:00

Site: Brooklyn Electric Distribution System

Facility: Flush Operations

Street: 64 ST

City: BROOKLYN

County: KINGS

State: NY Zip: 11220

Location Description: V-488,V-1662,VS-2409,VS-3000, N/S 64 ST 60' E/O 7 AVE

Administration Business Unit: Brooklyn Electric Operations

Initial Observation: S. CHEN REPORTS, FOUND ONE GALLON OF UNKNOWN OIL IN THREE SEPERATE VS'S. (V0488 8B89) (VS2409 8B89) & (VS3000 8B83). ALL THREE UNITS WILL BE PRESSURE TESTED, ON 3-11 SHIFT. ENG RECORDS INDICATE THERE ARE DRAINS IN EACH OF THE STRUCTURES WITH A CONNECTING SUMP. NO PARKING 11:30 TO 1:00 WED. OIL WAS DISCOVERED WHILE WORKING WITH CONTRACTOR FOR ANODE PROGRAM.

Access/Parking Obstruction: ☐

Comment:

Source: CE Equipment

Cause:

Cause: Equipment Malfunction

Cause Description:

Reason: Corrosion

Substance

Substance:

Released:

Contained:

Total:

Sampled On:

Media Name

Dielectric Fluid - Transformer

0.00 Gallons

3.00 Gallons

3.00

Gallons

Comment:

Underground Structure (Spill Contained)

Dielectric Fluid - Transformer

0.00 Gallons

0.50 Gallons

0.50

Gallons

Comment: REPORTED 10/10/2007 23:51 HRS.

Underground Structure (Spill Contained)

Test Request

Test Type

PCB

PCB

PCB

Chain of Custody ID

EE15788

FF13142

FF21193

Date: 11/27/2007 7:04



Detail Incident Report
Brooklyn Electric Operations

Incident ID: **208367 / 35** **Closed** **Agency Approval Not Required**

Structures	
Source? N	Reason:
Type: <u>VAULT</u>	
Structure ID: <u>488</u>	
M&S Plate: B-26G	Description:
Asset Owner:	
Address:	
Street: 64 ST	
Floor:	
City: BROOKLYN	
State: NY	Location Description: 701 64 ST 1 WLY
Zip: 11220	
County: KINGS	
Source? N	Reason:
Type: <u>VAULT</u>	
Structure ID: <u>3000</u>	
M&S Plate: B-26G	Description:
Asset Owner:	
Address:	
Street: 64 ST	
Floor:	
City: BROOKLYN	
State: NY	Location Description: 701 64 ST 1 ELY
Zip: 11220	
County: KINGS	



Detail Incident Report

Brooklyn Electric Operations

Incident ID: **208367 / 35**

Closed

Agency Approval Not Required

Source? N	Reason:
Type: <u>VAULT</u>	
Structure ID: <u>2409</u>	
M&S Plate: B-26G	Description:
Asset Owner:	
Address:	
Street: 64 ST	
Floor:	
City: BROOKLYN	
State: NY	Location Description: 701 64 ST WLY 2 Ely 460
Zip: 11220	
County: KINGS	

Source? N	Reason:
Type: <u>VAULT</u>	
Structure ID: <u>1662</u>	
M&S Plate: B-26G	Description:
Asset Owner:	
Address:	
Street: 64 ST	
Floor:	
City: BROOKLYN	
State: NY	Location Description: 701 64 ST 2 WLY 460V
Zip: 11220	
County: KINGS	

Detail Incident Report

Brooklyn Electric Operations

Incident ID: **208367 / 35**

Closed

Agency Approval Not Required

Analysis Results			
<u>Lab Seq No.</u>	07-08937-001		
<u>COC ID</u>	FF13142		
<u>Matrix</u>			
<u>Location</u>			
<u>Substance Name</u>	<u>Result</u>	<u>Uom</u>	<u>Approval Date</u>
TOTAL PCB	20.30	ppm	10/04/2007 10:12
<u>Comment</u>			
<u>Lab Seq No.</u>	07-08937-002		
<u>COC ID</u>	FF13142		
<u>Matrix</u>			
<u>Location</u>			
<u>Substance Name</u>	<u>Result</u>	<u>Uom</u>	<u>Approval Date</u>
TOTAL PCB	122.10	ppm	10/04/2007 10:12
<u>Comment</u>			
<u>Lab Seq No.</u>	07-08937-003		
<u>COC ID</u>	FF13142		
<u>Matrix</u>			
<u>Location</u>			
<u>Substance Name</u>	<u>Result</u>	<u>Uom</u>	<u>Approval Date</u>
TOTAL PCB	20.40	ppm	10/04/2007 10:12
<u>Comment</u>			
<u>Lab Seq No.</u>	07-09192-001		
<u>COC ID</u>	FF34830		
<u>Matrix</u>			
<u>Location</u>			
<u>Substance Name</u>	<u>Result</u>	<u>Uom</u>	<u>Approval Date</u>
Aroclor_1242	< 1.00	PPM	10/11/2007 11:55
Aroclor_1254	< 1.00	PPM	10/11/2007 11:55
Aroclor_1248	< 1.00	PPM	10/11/2007 11:55
Aroclor_1260	21.10	PPM	10/11/2007 11:55
Decachlorobiphenyl	0.51	UG	10/11/2007 11:55
TOTAL PCB	21.10	ppm	10/11/2007 11:54
<u>Comment</u>			
<u>Lab Seq No.</u>	07-09193-001		
<u>COC ID</u>	FF21193		
<u>Matrix</u>			
<u>Location</u>			
<u>Substance Name</u>	<u>Result</u>	<u>Uom</u>	<u>Approval Date</u>
TOTAL PCB	75.40	ppm	10/11/2007 14:22



Detail Incident Report

Brooklyn Electric Operations

Incident ID: **208367 / 35** **Closed** **Agency Approval Not Required**

Comment

People

<u>Last Name</u>	<u>First Name</u>	<u>Phone</u>	<u>Email</u>	<u>Agency</u>	<u>Agency Empl ID</u>
Chen	Shao	(347) 672-5432	chensh@coned.com		
Role: Finder					
Role: First Reported By					
Fernandez	Celestino	(718) 802-3041	fernandezc@coned.com		
Role: Cleanup Person					
Pace	Steven	(718) 802-5196	pacest@coned.com		
Role: Incident Creator					
Quijije	Romulo	(718) 802-5182	quijije@coned.com		
Role: Reviewed By General Supervisor					
Activity: Operations Initial Incident Review		Description:			
Regan	Timothy	(718) 204-4221	reganti@coned.com		
Role: ERT (Env. Response Team - EHS)					
Activity: ERT Initial Incident Review		Description:			

Business Unit

<u>Responsibility</u>	<u>Business Unit</u>	<u>Comments</u>
Administration	Brooklyn Electric Operations	
Cause	Brooklyn Electric Operations	
Clean up	Brooklyn Electric Operations	

Detail Incident Report

Brooklyn Electric Operations

Incident ID: **208367 / 35**

Closed

Agency Approval Not Required

Resolution		
Timestamp:	Description:	Entered By:
10/03/2007 13:48	THERE WILL BE ONE CHAIN OF CUSTODY(ff13142) AND ONE ENV STOP TAG USING THE SAME NUMBER FOR THREE VAULTS FOR SAMPLING. ENV STOP TAG NUMBER TO FOLLOW, DID NOT HAVE ONE YET.	Hearns, Dennis
10/03/2007 13:56	SERIAL# FOR V0488 361221, 1/14/02 18 PPM. (WH) SERIAL # FOR V2409 361223 9/8/06 3 PPM (WH) SERIAL # FOR V3000 361224 1/20/02 10 PPM (WH)	Pace, Steven
10/03/2007 14:05	ENV STOP TAG 58953.	Pace, Steven
10/04/2007 8:01	07:45 HRS. – W. THORNGREN OF EQUIPMENT GROUP REPORTS V-488 FAILED PRESSURE TEST AND WAS TURNED IN FOR REPLACEMENT (OOE CATEGORY 2). VS-2409 AND VS-3000 BOTH PASSED PRESSURE TEST, BUT DUE TO OIL STAINS ON BOTTOM OF FINS AND HEAVY RUST BOTH WERE TURNED IN AS C.F.R. (CANDIDATE FOR REPLACEMENT).	Wainwright, William
10/04/2007 8:07	AS PER ENV DESK SUPERVISOR D. HEARNS, INCIDENT MOVED FROM DEMINIMIS 72-HOUR TO DEMINIMIS QUARTERLY DUE TO INFORMATION IN PRIOR UPDATE FROM EQUIPMENT GROUP.	Wainwright, William
10/04/2007 10:31	10:16 HRS. - RECEIVED PCB RESULTS FROM CHEM LAB. – V-0488: LAB SEQ # 07-08937-001, OIL GRAB, 20 PPM. – V-2409: LAB SEQ # 07-08937-002, OIL GRAB, 122 PPM. – V-3000: LAB SEQ # 07-08937-003, OIL GRAB, 20 PPM.	Wainwright, William
10/04/2007 10:42	After discussion with R. Cosentino we concluded that all three structures will be cleaned using the highest count (122PPM). Cleanup is pending 8B91 feeder outage for safe access. DH	Hearns, Dennis
10/05/2007 9:38	V 488 HISTORICAL PCB RESULTS 01-14-2002- 18 PPM LAB. SEQ. # 02-00211-004 V 2409 HISTORICAL PCB RESULTS 09-08-2006-3 PPM LAB. SEQ. # 06-09698-001 V 3000 HISTORICAL PCB RESULTS 01-20-2002 -10 PPM LAB.SEQ. # 02-00516-016	Turitto, Dominick
10/05/2007 12:06	As per Envir. Oper. O.S. Y.Bukhanov emp# 04806 Due to system load conditions, cleanup will be delayed pending feeder outage and equipment denenergization.	Hogan, Christopher
10/10/2007 16:28	Rom/Dennis regarding 8B91-V488 We will be draining this unit as an over 50 this evening. In order to remove this unit, it requires to be dug and also to file as an asbestos abatement with DEP. The filing period with the DEP takes 3-6weeks for approval to begin the abatement. I will speak to Edgar Cortes our EHS rep to look into the possibility of filing this job as an emergency abatement project. Any information I receive, I will pass on to you, any further questions you may have please let me know. George Rosado Operating Supervisor B/Q Equipment Group Office: 718-802-3010 Fax: 718-855-6509 Cell: 646-364-5335	Quijije, Romulo
10/10/2007 21:10	J. STILES #15305 OF EQUIPMENT GROUP REPORTS TANKER DRAINED OIL FROM THE TRANSFORMER IN V-0488.	Wainwright, William
10/11/2007 0:00	23:51 HRS. – BROOKLYN ENV OPS SUPERVISOR Y. BUKHANOV REPORTS THERE ARE A TOTAL OF 4 VAULTS AT THIS LOCATION. THE 4TH VAULT NOT MENTIONED IN ORIGINAL REPORT IS EMPTY (NO TRANSFORMER) AND IT CONTAINS APPROX. 1/2 GAL OIL ON DIRT. HE DID NOT KNOW STRUCTURE NUMBER. AS PER C&DO PLATE 26-G, IT IS V-1662, LOCATED BETWEEN V-488 AND V-2409. INCIDENT STILL MEETS REQUIREMENTS FOR DEMINIMIS QUARTERLY, THEREFORE NO NOTIFICATION TO C.I.G. IS REQUIRED.	Wainwright, William

Detail Incident Report

Brooklyn Electric Operations

Incident ID: **208367 / 35** **Closed** **Agency Approval Not Required**

10/11/2007 0:36	00:30 HRS. — DID NOT ENTER A NEW DISCOVERY TIME SINCE EMIS WOULD NOT ALLOW IT WITHOUT ALSO ENTERING A REPORTED TO CIG TIME (AND INCIDENT IS NOT REPORTABLE). RAN THIS BY N. SKOW OF E.R.T. WHO WILL REVIEW INCIDENT WHEN HE GETS BACK TO OFFICE.	Wainwright, William
10/11/2007 0:40	00:35 HRS. — BROOKLYN ENV OPS SUPERVISOR Y. BUKHANOV REPORTS SAMPLE TAKEN FROM 4TH VAULT (V-1662) ON CHAIN OF CUSTODY # FF-21193. ENV OPS IS ON LOCATION AND WILL CLEAN THIS AS 50-499 PPM (OTHER VAULTS ALREADY BEING CLEANED AS OVER 50 PPM DUE TO PCB RESULTS 122 PPM IN V-2409).	Wainwright, William
10/11/2007 7:41	10/11/07 = 0600 HRS = Env Ops Supv C. Fernandez reports that the Env crew (Tudy, Esponda & Little) removed 12 drums of debris from V 2409, V 0488 & V 1662. V 3000 will be drummed out in the AM as much as it can be cleaned due to future removal of the unit. V 3000 will be completely cleaned and all 4 structures will be double washed when Networks removes V 3000. An Astoria tanker removed 560 gallons of liquids and an Astoria Transportation vehicle picked up the 12 drums. The tag remains in place pending future removal of unit.	Turitto, Dominick
10/11/2007 12:01	SAMPLE RESULTS FROM TRANSFORMER IN V 0488 LAB SEQ # 07-09192-001 21 PPM	Turitto, Dominick
10/11/2007 14:39	SAMPLE RESULTS FROM TRANSFORMER IN V 1662 LAB SEQ # 07-09193-001(75 PPM.)	Guerrero III, Alfonso
10/11/2007 16:54	MIDDLETON ENV. OPS REPORTS HE REMOVED 4 BARRELS OF DEBRIS UNIT TO BE CLEANED AFTER UNIT IS REMOVED.ENV. TAG LEFT IN PLACE	Turitto, Dominick
10/17/2007 14:31	P. SELEDTSOV #19936 OF EQUIPMENT GROUP REPORTS TRANSFORMER HAS BEEN REMOVED FROM V-488, ENV OPS ON LOCATION CLEANING STRUCTURE AND NEW TRANSFORMER WILL BE INSTALLED TOMORROW.	Wainwright, William
10/17/2007 22:39	Env Ops Supv C. Fernandez reports that an Env crew (Fernandez, Akbar & Bryant) removed 8 drums of debris from V0488 which an Astoria vehicle is picking up. All 4 Vaults were double washed using BioGen 760 (15 Gallons) and Safewash (15 Gallons). An Astoria tanker removed 350 gallons from V0488, 100 Gallons from V2409, 100 Gallons from V3000 & 100 Gallons from V1662. Tags were removed from all 4 units and job is complete.	Guerrero III, Alfonso
10/17/2007 22:42	Corrective Action: Env Ops Supv C. Fernandez reports that an Env crew (Fernandez, Akbar & Bryant) removed 8 drums of debris from V0488 which an Astoria vehicle is picking up. All 4 Vaults were double washed using BioGen 760 (15 Gallons) and Safewash (15 Gallons). An Astoria tanker removed 350 gallons from V0488, 100 Gallons from V2409, 100 Gallons from V3000 & 100 Gallons from V1662. Tags were removed from all 4 units and job is complete.	Guerrero III, Alfonso

Detail Incident Report

Brooklyn Electric Operations

Incident ID: **208367 / 35** **Closed** **Agency Approval Not Required**

Change History:						
Timestamp	Section	Field	Data	Comment	Changed By:	
10/18/2007 5:55	Incident Status	Status	Closed	DH	Hearns, Dennis	
10/18/2007 5:55	Incident Status Reason	Status Reason	Agency Approval Not Required	DH	Hearns, Dennis	
10/17/2007 22:43	Comment	Comment	Corrective Action	Env Ops Supv C. Fernandez reports that an Env crew (Fernandez, Akbar & Bryant) removed 8 drums of debris from V0488 which an Astoria vehicle is picking up. All 4 Vaults were double washed using BioGen 760 (15 Gallons) and Safewash (15 Gallons). An Astoria tanker removed 350 gallons from V0488, 100 Gallons from V2409, 100 Gallons from V3000 & 100 Gallons from V1662. Tags were removed from all 4 units and job is complete.	Guerrero III, Alfonso	
10/17/2007 22:43	Incident	Stop Date	Oct 17 2007 9:00PM		Guerrero III, Alfonso	
10/17/2007 22:43	Incident Status	Status	Pending		Guerrero III, Alfonso	
10/17/2007 22:43	Incident Status Reason	Status Reason	Cleanup Complete / Pending Administrative Closure		Guerrero III, Alfonso	
10/11/2007 0:59	Comment	Comment	Structure	ADDED LOCATION INFO FOR EACH VAULT IN STRUCTURE SECTION OF EMIS REPORT. Changed to dielectric fluid	Wainwright, William	
10/04/2007 10:52	Comment	Comment	Substance		Hearns, Dennis	
10/04/2007 10:52	Incident Cause	Cause	Equipment Malfunction		Hearns, Dennis	
10/04/2007 10:52	Incident Cause Reason	Cause Reason	Corrosion		Hearns, Dennis	
10/04/2007 10:50	Incident Status	Status	Pending		Hearns, Dennis	
10/04/2007 10:50	Incident Status Reason	Status Reason	De-energization of Equipment		Hearns, Dennis	
10/04/2007 8:10	Comment	Comment	Incident Type Changed	Incident type changed from Spill - Oil De Minimis 72-hour - underground to Spill - Oil De Minimis underground – quarterly reporting by William Wainwright with comments: DUE TO PENDING TRANSFORMER REPLACEMENTS (SEE UPDATES FOR DETAILS).	Wainwright, William	
10/04/2007 8:10	Incident	Type	Spill - Oil De Minimis underground – quarterly reporting		Wainwright, William	
10/04/2007 8:10	Incident Status	Status	Pending		Wainwright, William	
10/04/2007 8:10	Incident Status Reason	Status Reason	Transformer Removal		Wainwright, William	
10/03/2007 15:34	Comment	Comment	Substance	total quantity is 3 gallons	Regan, Timothy	
10/03/2007 13:47	Incident Status	Status	Pending		Pace, Steven	
10/03/2007 13:47	Incident Status	Status	Pending		Pace, Steven	
10/03/2007 13:47	Incident Status Reason	Status Reason	Cleanup		Pace, Steven	
10/03/2007 13:47	Incident Status Reason	Status Reason	Test Results		Pace, Steven	



Detail Incident Report
Brooklyn Electric Operations

Incident ID:	208367 / 35	Closed	Agency Approval Not Required
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FILTER:

Incident Id: 208367

Date: 11/27/2007 7:04

Consolidated Edison
Environment, Health and Safety ChemLab
NY Lab ID No: 10380

Lab Sequence Number: 07-08937-002

Date Approved: 10/04/2007

E2 Incident Number: 208367

Date Received: 10/03/2007

Chain of Custody ID: FF13142

Date Sampled: 10/03/2007

Submitter: CELESTINO FERNANDEZ

Job Site: 64 ST & 7 AVE

Email To: FERNANDEZC@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS

Cc To: DL - BQCHEMLABRESULTS|HERBERTR@coned.com|
BAROUCHK@coned.com|

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S. Test results are representative only of submitted samples.

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Results of Analysis

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MATRIX: OIL GRAB
LOCATION: 64 ST N70'E 7 AVE
STRUCTURE: VAULT 2409 FEEDER ID:
QC ID: 06-200710030829

TEST DESCRIPTION	RESULT	UNIT	METHOD

PCB Analysis by EPA 608/8082			

Aroclor 1242	< 1.0	ppm	EPA 608/8082
Aroclor 1254	32.9	ppm	EPA 608/8082
Aroclor 1248	< 1.0	ppm	EPA 608/8082
Aroclor 1260	89.2	ppm	EPA 608/8082

TOTAL PCB	122	ppm	

ppm = mg/L = mg/Kg

ppb = ug/L = ug/Kg

Approval Status: APPROVED

Approved By: Edward Chin

Title: Senior Specialist

--End of Report--

Search for Results at: <http://ilims>

11/27/2007

Consolidated Edison
Environment, Health and Safety ChemLab
NY Lab ID No: 10380

Lab Sequence Number: 07-08937-001
E2 Incident Number: 208367
Chain of Custody ID: FF13142

Date Approved: 10/04/2007
Date Received: 10/03/2007
Date Sampled: 10/03/2007

Submitter: CELESTINO FERNANDEZ

Job Site: 64 ST & 7 AVE

Email To: FERNANDEZC@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS

Cc To: DL - BQCHEMLABRESULTS|HERBERTR@coned.com|
BAROUCHK@coned.com|

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S.
Test results are representative only of submitted samples.

Results of Analysis

MATRIX: OIL GRAB
LOCATION: 64 ST N60'E 7 AVE
STRUCTURE: VAULT 0488
QC ID: 06-200710030829

FEEDER ID:

TEST DESCRIPTION	RESULT	UNIT	METHOD
PCB Analysis by EPA 608/8082			
Aroclor 1242	< 1.0	ppm	EPA 608/8082
Aroclor 1254	< 1.0	ppm	EPA 608/8082
Aroclor 1248	< 1.0	ppm	EPA 608/8082
Aroclor 1260	20.3	ppm	EPA 608/8082
TOTAL PCB	20	ppm	

ppm = mg/L = mg/Kg
ppb = ug/L = ug/Kg

Approval Status: APPROVED

Approved By: Edward Chin

Title: Senior Specialist

Search for Results at: <http://ilims>

--End of Report--

Consolidated Edison
Environment, Health and Safety ChemLab
NY Lab ID No: 10380

Lab Sequence Number: 07-08937-003
E2 Incident Number: 208367
Chain of Custody ID: FF13142

Date Approved: 10/04/2007
Date Received: 10/03/2007
Date Sampled: 10/03/2007

Submitter: CELESTINO FERNANDEZ
Job Site: 64 ST & 7 AVE
Email To: FERNANDEZC@coned.com|EA-ChemLabReports|BQCHEMLABRESULTS
Cc To: DL - BQCHEMLABRESULTS|HERBERTR@coned.com|BAROUCHK@coned.com|

NOTE: The Submitter shall post and/or provide these results to all employees working with or in the vicinity of this substance. This report shall not be reproduced, except in full, without the written consent of EH&S.
Test results are representative only of submitted samples.

Results of Analysis

MATRIX: OIL GRAB
LOCATION: 64 ST N80'E 7 AVE
STRUCTURE: VAULT 3000 FEEDER ID:
QC ID: 06-200710030829

TEST DESCRIPTION	RESULT	UNIT	METHOD
PCB Analysis by EPA 608/8082			
Aroclor 1242	< 1.0	ppm	EPA 608/8082
Aroclor 1254	< 1.0	ppm	EPA 608/8082
Aroclor 1248	< 1.0	ppm	EPA 608/8082
Aroclor 1260	20.4	ppm	EPA 608/8082
TOTAL PCB	20	ppm	

ppm = mg/L = mg/Kg
ppb = ug/L = ug/Kg

Approval Status: APPROVED
Approved By: Edward Chin
Title: Senior Specialist
Search for Results at: <http://ilims>

--End of Report--

November 16, 2007

Mr. Roland Ivers
New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Program Management
625 Broadway, 9th Floor
Albany, NY 12233-7250

Reference: Non-Hazardous Waste Manifest #105943
Uniform Hazardous Waste Manifest Tracking Number 000328874 FLE

Generator: Consolidated Edison Company of New York, Inc.
64St and 7th Ave, Brooklyn, N. Y. (NYP004154738)

Transporter: Consolidated Edison Company of New York, Inc.
(NYD006982359)

TSDF: Triumvirate Environmental (NYC), LLC
42-14 19th Avenue, Astoria, NY 11105
(NYD077444263)

Dear Mr. Ivers:

This letter notifies you of the following manifest discrepancy for the above reference waste shipment:

On October 17, 2007, nine drums of oily debris were shipped from a Con Edison field spill clean-up site in Brooklyn, N.Y. to Triumvirate Environmental in Astoria, N.Y. on a non-hazardous waste manifest.

The drums were labeled with a "Non-Hazardous PCB" label which was to indicate that the PCB waste was actually <50 ppm PCBs and, therefore, not a New York State hazardous waste. After some research, it was determined that the spill clean-up involved three underground vaults containing electrical transformers that were interconnected via the duct work. Two on the vaults had a PCB concentration of 20 ppm and one had a concentration of 122 ppm.

Non-hazardous waste manifest (enclosed) was used for the PCB shipment. As per 40 CFR Part 761, Section 207, Paragraph (a), a manifest on EPA Form 8700-22 must be used to transport PCB waste to a commercial off-site storage or disposal facility.

Since, there was no individual confirmation of the actual PCB concentration in the drums and the conflicting information on the labels; we believe that the anti-dilution provision must be applied. Subsequently, an EPA provisional ID number was obtained for the field site and a manifest #000328874FLE (enclosed) provided to Triumvirate Environmental with a New York State waste code of B007.

Con Edison has confirmation from Triumvirate Environmental that ultimate disposal will be in a TSCA permitted landfill.

If you have any questions, please contact Wendell Fenner at (718) 204-4404.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joseph Moyik', written in a cursive style.

Joseph Moyik
Department Manager
Central Field Services

Enclosures

Copy: Ann Finnegan
USEPA Region II

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number NYP004154738		2. Page 1 of 1		3. Emergency Response Phone (718) 204-4100		4. Manifest Tracking Number 000328874 FLE			
		5. Generator's Name and Mailing Address CONSOLIDATED EDISON CO. OF N.Y., INC 31-01 20TH AVE, LIC, NY 11105						Generator's Site Address (if different than mailing address) 64TH ST & 7TH AVE BROOKLYN, N.Y. V-0488 V-2409 V-3000			
6. Transporter 1 Company Name CONSOLIDATED EDISON COMPANY OF N.Y., INC		U.S. EPA ID Number NYD006982359									
7. Transporter 2 Company Name		U.S. EPA ID Number									
8. Designated Facility Name and Site Address TRIUMVIRATE ENVIRONMENTAL (NYC), LLC 42-14 19TH AVE, ASTORIA, NY 11105		U.S. EPA ID Number NYD077444263						Facility's Phone: (718) 274-3339			
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))				10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
						No.	Type				
	1.	NON-DOT REGULATED (POLYCHLORINATED BIPHENYLS SOLID) (C0008A)				9	DM	360	K	B007	L
	2.										
	3.										
	4.										
14. Special Handling Instructions and Additional Information 9(b)1 PCB SOURCE WASTE (122PPM) ERG 171 01/10 10/17/07 LICENSE #12446JT ACT # C7160											
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.											
Generator's/Officer's Printed/Typed Name Cerdan Joseph											
Signature Cerdan Joseph											
Month Day Year 10 17 07											
TRANSPORTER	16. International Shipments <input checked="" type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____										
	Transporter signature (for exports only): _____										
DESIGNATED FACILITY	17. Transporter Acknowledgment of Receipt of Materials										
	Transporter 1 Printed/Typed Name Andre Joseph										
Signature Cerdan Joseph											
Month Day Year 10 17 07											
Transporter 2 Printed/Typed Name											
Signature											
Month Day Year											
18. Discrepancy											
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection											
Manifest Reference Number: _____											
18b. Alternate Facility (or Generator) U.S. EPA ID Number											
Facility's Phone: _____											
18c. Signature of Alternate Facility (or Generator) Month Day Year											
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)											
1. H41 2. 3. 4.											
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a											
Printed/Typed Name CHRISTOPHER CANALE											
Signature Christopher Canale											
Month Day Year 10 21 07											

NH11668

NON-HAZARDOUS WASTE MANIFEST

Please print or type (Form designed for use on elite (12 pitch) typewriter)

NON-HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No. 105443		2. Page 1 of 1	
3. Generator's Name and Mailing Address Consolidated Edison Co of N.Y. INC 37-01 20th ave Astoria, NY. 11105		4. Generator's Phone 718 264-4650 ext: M. CAAMANO		5. Transporter 1 Company Name Consolidated Edison Co		6. US EPA ID Number NYD006982359	
7. Transporter 2 Company Name		8. US EPA ID Number		A. State Transporter's ID 12446 JT		B. Transporter 1 Phone 718 264-4100	
9. Designated Facility Name and Site Address Triumvirate Environmental (NYC) LLC 42-14 19th ave Astoria, NY. 11105		10. US EPA ID Number NYD077444263		C. State Transporter's ID		D. Transporter 2 Phone	
11. WASTE DESCRIPTION		12. Containers		13. Total Quantity		14. Unit Wt./Vol.	
a. Non Hazardous - non DOT Regulated waste		9 IM		360		EST 124	
b.							
c.							
d.							
G. Additional Descriptions for Materials Listed Above 11A) Oily Debris (nonhazardous) [93212-20] (9455) acc # C7160		H. Handling Codes for Wastes Listed Above 1.L					
15. Special Handling Instructions and Additional Information 64th ST + 7th AVE. BROOKLYN							
16. GENERATOR'S CERTIFICATION: I hereby certify that the contents of this shipment are fully and accurately described and are in all respects in proper condition for transport. The materials described on this manifest are not subject to federal hazardous waste regulations.							
Printed/Typed Name Andre Joseph		Signature Andre Joseph		Date Month Day Year 10 17 07			
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed/Typed Name Andre Joseph		Signature Andre Joseph		Date Month Day Year 10 17 07	
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed/Typed Name		Signature		Date Month Day Year	
19. Discrepancy Indication Space							
20. Facility Owner or Operator; Certification of receipt of the waste materials covered by this manifest, except as noted in item 19.							
Printed/Typed Name CHRISTOPHER CANALE		Signature Chris Canale		Date Month Day Year 10 22 07			

NON-HAZARDOUS WASTE

TRANSPORTER

FACILITY





Daniel Kraft/R2/USEPA/US
12/14/2007 12:22 PM

To Ann Finnegan/R2/USEPA/US@EPA
cc
bcc
Subject Fw: PCB Oil Spill

lets discuss

----- Forwarded by Daniel Kraft/R2/USEPA/US on 12/14/2007 12:22 PM -----



"Capune, William"
<CapuneW@coned.com>
09/23/2005 12:01 PM

To Daniel Kraft/R2/USEPA/US@EPA
cc "Roche, David P" <ROCHED@coned.com>
Subject PCB Oil Spill

Mr. Kraft,

On 22 September, 2005 at 12:50PM an oil spill in Transformer Vault 3148 was reported to the NRC (773383). The location of this vault is the corner of 39th St. and Broadway, New York NY. Con Ed crews discovered an estimated 1 gallon of oil mixed with dirt. There is a sewer drain in this vault that leads to a DEP water treatment plant. The existence of this drain has not been confirmed because it is located underneath the transformer. At 10:20 this morning lab analysis was completed. Seven samples were taken the highest PCB result is 2010ppm. Cleanup is being conducted by a contractor and is in progress.

Con Edison Reference Number is E2MIS 161187 and the initial report is attached.

For further information contact the Con Edison Environmental Response Team at (212) 580-8383 or Central Information Group at (212) 580-6763.

Bill Capune
Con Edison
Environmental Response Team

<<161187.pdf>>



161187.pdf

Environmental Detailed Incident Report

Report Type: Preliminary

Man Electric Distribution System

Incident ID: 161187 Rev. #: 3

Incident Status: - Waiting Resources (Crew)

Incident Type: Spill - Dielectric Fluid

Brief Description: V3148 -- W 39 ST 124 (1410 BROADWAY) -- POSSIBLE TRANSFORMER OIL

Administrative Site: Corporate Headquarters - 4 Irving Place

Responsible Operation: I&A

Location: V3148 -- W 39 ST 124 (1410 BROADWAY)

No. of Injuries: 0

Any Outside Impact: N

Immediate Abatement/Containment Actions: 1 gal oil in dirt by drain / N/S excpt. Comm Veh 6a-7p M-F

Start (Incident First Discovered): 22-SEP-2005 12:15:00

First Reported: 22-SEP-2005 12:40:00

First Reported to CIG: 22-SEP-2005 12:47:00

Cleanup Completed/Stopped:

Resolved (administrative closure):

Duration Hours (discovery to closure):

Detailed Description: 9/22/05 @ 13:40 hrs.

Tim Schlauraff #88317, Operating Supervisor I&A South District 1, reported at 12:40 hrs. that he found at 12:15 hrs. approx. 1 gallon of oil mixed with dirt in vault V3148 located at 124 West 39th Street a.k.a. 1410 Broadway and approx. 1 pint oil and 1/2 gal water on the basement floor of the building where this vault is located. He also reports that at 12:30 hrs. he verified a possible release to the sewer since the oil mixed with dirt was discovered at the floor drain of the vault. The I&A was working down the street near this vault, when they responded to a customer's complaint of water in their basement. Mr. Schlauraff investigated the complaint and discovered oil in vault V3148, oil soaked dirt by the floor drain and oil & water in the basement of the building located at this address [1410 Broadway (124 W. 39th St.)]. The transformer vault is located at an elevation above the basement. Piping from the vault drain goes through the floor and into the basement where it connects to the building sewer line. He found cracks in the vault floor. He also reported that there is a fuel tank in the vicinity of the vault but does not believe the oil on the basement floor is fuel oil. The I&A is working under Account #80484.

There was no fire or smoke involved. There is evidence of release to the sewer due to the discovery of oil in the vault and oil soaked dirt by the floor drain, which connects to the building sewer system. The time of this discovery was 12:30 hrs. There were no injuries related to the spill and no weather conditions contributed to the hazards of the spill. The possible source of the spill is the transformer and the cause is a possible bottom leak. The oil spilled on dirt, concrete and water. Private property was affected -- the building basement. There is oil filled equipment in the vault --- the transformer. There is no standing water in the vault, but there is water in the basement. There is a sewer connection and substantial cracks in the vault floor. There is no concrete sump and no sump pump. Environmental spill tag #38531 was installed.

Samples were taken for PCB and Oil ID from the vault floor, the basement and the transformer. Type of samples are liquid, solid (rag from floor of basement) and soil (dirt from vault floor). Chain of Custody #EE04283 was issued. No initial cleanup action was taken.

Parking Access Info: No standing except commercial vehicles 6 am to 7 pm Monday to Friday.

Environmental Detailed Incident Report

Detailed Description: CIG Mark Schlagel #18276 notified at 12:47 hrs. of release to sewer.
 Details of this incident was discussed with ERT, Andrew Fiore at 13:18 hrs.
 Logger: R. Pellegrino #38620

Substance, Material Property	Amount	UOM	Environmental Medium Impacted
00600 TRANSFORMER OIL	0	GAL	Sewer
DIELECTRIC FLUID	1	GAL	Sewer

Notifications	Date/Time	Agency Asgnd. #	Employee Reporting (last name)
CE Environmental Affairs ERT	22-SEP-2005 12:47:00		SCHLAGEL
NYC Department of Environmental Protection	22-SEP-2005 12:59:00	1187190	SCHLAGEL
National Response Center	22-SEP-2005 12:50:00	773383	SCHLAGEL
New York, State Department of Environmental Conservation	22-SEP-2005 12:54:00	05-07509	SCHLAGEL

Correction Actions	Due Date	Completion Date	Assigned to Emp (last name)	Comment
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Causes	P	Comments	Equipment Name	Tag #	Opn
Equipment - Transformer, Underground Network, Bottom Leaker	N	Approx. 1 gal transformer oil mixed with dirt found at floor drain of vault V3148.			

Involved Roles	Phone #	Emp	Last Name
Finder	(212) 643-3085	E	SCHLAURAFF
First Reported To	(212) 780-3758	E	PELLEGRINO
CIG Operator Called	(212) 873-2806	E	SCHLAGEL
ERT - Contact	(212) 580-8383	E	FIORE

Involved Items	Item Type
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Commitment Made Date/Time	Completion Due Date	Completion Date	Comitment Description	Regulatory Body
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Environmental Detailed Incident Report

Comment	Date/Time
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Event Property Description	Effective date	Expire date	Comments
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Test Results

Sample Id	Parameter Type	Parameter Description	Numeric Result	Unit	Collect Date	Result Date	Comments
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Ann M. Finnegan
TSCA Enforcement Coordinator
Pesticides and Toxic Substances Branch
U.S. Environmental Protection Agency - Region 2
2890 Woodbridge Avenue
Edison, NJ 08837

November 9, 2007

Dear Ms. Finnegan,

The following letter constitutes an "Un-manifested Waste Report" and describes the details of a waste shipment offered by the generator on a bill-of-lading as "non-hazardous oily debris" which was later found to contain PCBs. As soon as the waste was confirmed to contain PCBs, all affected parties were notified and necessary steps taken to ensure that the waste is managed for appropriately for disposal.

Triumvirate and the generator have already met to determine the root cause of the matter and how to prevent it from happening again. Along with the generator, Triumvirate is confident that the circumstances leading to this shipment will not be repeated.

Please call me if you have any questions.

Sincerely,



Lauren Biggs
Operations Compliance Specialist
Triumvirate Environmental, NYC, LLC
(718) 274-3339

Cc: Richard Barry, Triumvirate

Attachment: Unmanifested Waste report

UNMANIFESTED WASTE REPORT

Per the Requirements of 40 CFR 761.211, please reference the following information for the handling of PCB containers that were not initially manifested on a hazardous waste manifest.

1. Generator Information:

Consolidated Edison Company of New York, Inc.
64th St. & 7th Ave.
Brooklyn, NY
EPA ID#: NYP004154738

2. Transporter Information:

Consolidated Edison Company of New York, Inc.
31-01 20th Ave.
Long Island City, NY 11105
EPA ID#: NYD006982359

3. Facility (TSDF)

Triumvirate Environmental, (NYC) LLC
42-14 19th Ave.
Astoria, NY 11105
EPA ID #: NYD077444263

Description of the Events

On 10/17/07, nine containers were offered for shipment on a bill-of-lading (BOL) as "Non-hazardous oily debris." The generator used the BOL due to the belief that the debris was generated as the result of a non-hazardous oil spill. The transporter then delivered the nine containers to Triumvirate Environmental (the TSDF) where all nine were received as "non-hazardous oily debris" consistent with the generator's initial waste determination.

The day after the waste was delivered to Triumvirate, the generator discovered that the waste had actually been generated as the result of a transformer oil spill and contained PCBs at a concentration of 122 parts per million. With this new information in hand, the generator determined that the waste should have been manifested as "PCB Waste" per 40 CFR 761.207(j), and promptly notified Triumvirate Environmental of the situation.

In response to the new information as to the nature of the waste, the generator completed a hazardous waste manifest (# 000328874FLE) and forwarded it along to Triumvirate. The PCB-containing waste was then manifested as "Non-DOT

Regulated Polychlorinated Biphenyls, Solid" with the New York state waste code "B007", for PCB debris, also applied.

Triumvirate Environmental, a permitted TSDF, will send the waste to a TSCA permitted landfill within the next calendar year for disposal.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number NYP004154735	2. Page 1 of 1	3. Emergency Response Phone (718) 204-4100	4. Manifest Tracking Number 000328874 FLE	
5. Generator's Name and Mailing Address CONSOLIDATED EDISON CO. OF NY, INC. 31-01 20TH AVE, LLC, NY 11105			Generator's Site Address (if different than mailing address) 64TH ST & 7TH AVE BROOKLYN, N.Y.			
Generator's Phone: (718) 204-4040			V-0488 V-2404 V-3300			
6. Transporter 1 Company Name CONSOLIDATED EDISON COMPANY OF NY, INC.			U.S. EPA ID Number NYD006986359			
7. Transporter 2 Company Name			U.S. EPA ID Number			
8. Designated Facility Name and Site Address TRIUMPHANTE ENVIRONMENTAL (NYC), LLC 42-14 19TH AVE, ASTORIA, NY 11105			U.S. EPA ID Number NYD077444263			
Facility's Phone: (718) 274-3339						
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.
			No.	Type		
	1.	NON-DOT REGULATED (POLYCHLORINATED BIPHENYLS SOLID) (C0008A)	9	DM	360	K
	2.					
	3.					
	4.					
13. Waste Codes 8007 L						
14. Special Handling Instructions and Additional Information 9(b)1 PCB SOURCE WASTE (122PPM) ERG 171 01/10 10/17/07 LICENSE #124465T ACT # C7160						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Offor's Printed/Typed Name Andre Joseph		Signature Andre Joseph		Month Day Year 10 17 07		
TRANSPORTER	16. International Shipments <input checked="" type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____					
	17. Transporter Acknowledgment of Receipt of Materials					
	Transporter 1 Printed/Typed Name Andre Joseph		Signature Andre Joseph		Month Day Year 10 17 07	
Transporter 2 Printed/Typed Name		Signature		Month Day Year		
DESIGNATED FACILITY	18. Discrepancy					
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection					
	18b. Alternate Facility (or Generator) Manifest Reference Number: _____ U.S. EPA ID Number: _____					
	Facility's Phone: _____					
	18c. Signature of Alternate Facility (or Generator) _____ Month Day Year _____					
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1. H41		2.		3.		4.
20. Designated Facility Owner or Operator. Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name CHRISTOPHER CHASE		Signature CHRISTOPHER CHASE		Month Day Year 10 22 07		

NH11668

NON-HAZARDOUS WASTE MANIFEST

Please print or type (Form designed for use on elite (12 pitch) typewriter)

NON-HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No. 105443		2. Page 1 of 1	
3. Generator's Name and Mailing Address		Consolidated Edison Co of N.Y. INC 37-01 20th ave Astoria, NY. 11105					
4. Generator's Phone		718 204-4500 RTN: M CAAMANO					
5. Transporter 1 Company Name		6. US EPA ID Number		A. State Transporter's ID		Sumo	
Consolidated Edison Co		1NYD006982359		12446 JT			
7. Transporter 2 Company Name		8. US EPA ID Number		B. Transporter 1 Phone		718-204-4100	
				C. State Transporter's ID			
9. Designated Facility Name and Site Address		10. US EPA ID Number		D. Transporter 2 Phone			
Triumph Pak Environmental (NYC) LLC 42-14 19th ave Astoria, NY. 11105		1NYD07444263		E. State Facility's ID			
11. WASTE DESCRIPTION		12. Containers		13. Total Quantity		14. Unit Wt./Vol.	
a.		No. Type					
Non Hazardous - non DOT Regulated waste		9 IM		360		ES/REG	
b.							
c.							
d.							
G. Additional Descriptions for Materials Listed Above		H. Handling Codes for Wastes Listed Above					
11A) oily Debris (nonhazard) [93212-20] (9455) REC # C7160		1.L					
15. Special Handling Instructions and Additional Information							
64th ST + 7th AVE. BROOKLYN							
16. GENERATOR'S CERTIFICATION: I hereby certify that the contents of this shipment are fully and accurately described and are in all respects in proper condition for transport. The materials described on this manifest are not subject to federal hazardous waste regulations.							
Printed/Typed Name		Signature		Date			
Andre Joseph		Andre Joseph		Month Day Year		10/17/07	
17. Transporter 1 Acknowledgement of Receipt of Materials		Signature		Date			
Andre Joseph		Andre Joseph		Month Day Year		10/17/07	
18. Transporter 2 Acknowledgement of Receipt of Materials		Signature		Date			
				Month Day Year			
19. Discrepancy Indication Space							
20. Facility Owner or Operator; Certification of receipt of the waste materials covered by this manifest, except as noted in item 19.							
Printed/Typed Name		Signature		Date			
CHRISTOPHER CANALE		Chris Canale		Month Day Year		10/22/07	

NON-HAZARDOUS WASTE

GENERATOR

TRANSPORTER

FACILITY



Roche told him
to call me

11-26-07 Wendel Fenner Con Ed

underground electrical vaults
duct goes between them
can get oil to move between
vaults - one source
2nd or 3rd shipment from the
site

others went to Con Ed site
this one went offsite ^{so had to} have a
manifest

Con Ed did the testing
before shipping

Triumvirate saw the note it
was 122 ppm + questioned it

Trium. doesn't test each
drum

Con Ed contacted Trium
it was already offsite but it
did go to a TSCA Facility

→ need Final manifest

→ lab analysis

→ incident report

can join this to other violation

New York, NY 10003
Phone: 212 480-1357
Fax 212 614-1618

ConEdison

Fax

To: Ann Finnegan

From: David Roche

Fax:

Date: 10/26/07

Phone:

Pages: 2 w/cover

Re: Bill of Lading 102453

CC: [Click here and type name]

☒ Urgent☒ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

•Comments:

NON-HAZARDOUS SOLID WASTE

BILL OF LADING

WO # 79422

Generator's Name and Mailing Address Consolidated Edison Company of New York, Inc.

1610 Mathews Avenue

Bronx, New York 10462

Generator's Phone ()

Transporter 1 Company Name

Clean Venture Inc.

Transporter 2 Company Name

Designated Facility Name and Site Address
Cycle Chem, Inc.

217 South First Street

Elizabeth, New Jersey 07206

10. US EPA ID Number

NJDP002200046

BOL

Boston Road (Eastchester Bridge)
Bronx, NY

State Trans. ID-NJDEPE

Decal No. 16239

Transporter's Phone ()

State Trans. ID-NJDEPE

Decal No. 16239

Transporter's Phone ()

Facility's Phone () 908-355-5800

US DOT Description (Including Proper Shipping Name, Hazard Class or Division,
ID Number and Packing Group)Containers
No. TypeTotal
QuantityUnit
Wt/Vol

Waste No.

a. Non Regulated Material
Non D.O.T / Non RCRA

XX120 M

3600 P

1D27

J. Additional Descriptions for Materials Listed Above
S. Solid & Debris 100%

CCI Generator # and Product Codes:

Job # 53703-01-03

ERG # 128 GR01-2 948634 Profile A

24 Hr. Emergency Ph. (908) 354-0210

Plate # XM 117T

J. Class

CV 13-1 947137

GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and a/c
classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government
regulations and are non-hazardous by USEPA & applicable state regulations.PLACARDS
REQUIRED

N/A

PLACARDS
SUPPLIED☐ YES ☒ NO - FURNISHED BY CARRIER

Printed/Typed Name

Robert C. Guadalupe

Signature

R. C. Guadalupe

Month Day Year

9/24/07

Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

TRACY WACKER

Signature

Tracy Wacker

Month Day Year

9/24/07

Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest:

Printed/Typed Name

R. Gibson

Signature

R. Gibson

Month Day Year

9/24/07

SIGNATURE AND INFORMATION MUST BE LEGIBLE ON ALL COPIES

COPY 3 - BLUE - CycleChem

COPY 4 - CANARY - FACILITY

COPY 1 - WHITE - GENERATOR

COPY 2 - PINK - TRANSPORTER

NON-HAZARDOUS SOLID WASTE

The Environmental Services Source

BILL OF LADING

WO # 79422

Generator's Name and Mailing Address Consolidated Edison Company of New York, Inc. 1610 Mathews Avenue Bronx, New York 10462 Generator's Phone (<u>347 223 3718</u>) Transporter 1 Company Name Clean Venture Inc.		Attn: G. Frahrside NJ0000027193		BOL		Boston Road (Eastchester Bridge) Bronx, NY		
Designated Facility Name and Site Address Cycle Chem, Inc. 217 South First Street Elizabeth, New Jersey 07208		10. US EPA ID Number NJD0002200046		State Trans. ID-NJDEPE Decal No. <u>16739</u> Transporter's Phone (<u>908 354 0210</u>) State Trans. ID-NJDEPE Decal No. <u>908 355-5800</u> Transporter's Phone () Facility's Phone (<u>908 355-5800</u>)				
US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group)				Containers No.	Type	Total Quantity	Unit Wt/Vol	Waste No.
a. Non Regulated Material Non D.O.T / Non RCRA				XX120	M	3600	P	1D27
b.								
c.								
d.								
J. Additional Descriptions for Materials Listed Above S, Solid & Debris 100%								
a.				c.				
b.				d.				
CCI Generator # and Product Codes: Job # 53703-01-03 ERG # 128 GR01-2 S48634				24 Hr. Emergency Ph. (908) 354-0210 Profile A GR01-2		Plate # XN117T Class CV13-1 947137		
GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and are non-hazardous by USEPA & applicable state regulations.								
PLACARDS REQUIRED N/A				PLACARDS SUPPLIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO - FURNISHED BY CARRIER				
Printed/Typed Name Robert C. Aquilino				Signature <i>Robert C. Aquilino</i>		Month Day Year 9 24 07		
Transporter 1 Acknowledgement of Receipt of Materials								
Printed/Typed Name TRACY WACKER				Signature <i>Tracy Wacker</i>		Month Day Year 9/24/07		
Transporter 2 Acknowledgement of Receipt of Materials								
Printed/Typed Name				Signature		Month Day Year		
FACILITY								
Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest.								
Printed/Typed Name Theresa Gibson				Signature <i>Theresa Gibson</i>		Month Day Year 9/24/07		

COPY 1 - WHITE - GENERATOR

COPY 2 - PINK - TRANSPORTER

COPY 3 - BLUE - CycleChem

COPY 4 - CANARY - FACILITY

SIGNATURE AND INFORMATION MUST BE LEGIBLE ON ALL COPIES



James Haklar/R2/USEPA/US

10/25/2007 02:56 PM

To Ann Finnegan/R2/USEPA/US@EPA

cc Daniel Kraft/R2/USEPA/US@EPA

bcc

Subject Fw: Resolution of unmanifested drum of PCB waste from
Con Edison

History:

➡ This message has been forwarded.

As we discussed...

----- Forwarded by James Haklar/R2/USEPA/US on 10/25/2007 02:55 PM -----



"Roche, David P"
<ROCHED@coned.com>

10/24/2007 09:18 AM

To James Haklar/R2/USEPA/US@EPA

cc

Subject Resolution of unmanifested drum of PCB waste from Con
Edison

Mr. Haklar:

As we discussed by phone this morning, attached is a pdf of the letter mailed today to NYSDEC to resolve the matter of one of 12 drums of solid waste from a construction project in the Bronx, NY testing as PCB waste when shipped as part of a load to the TSDF Cycle Chem of New Jersey on a Non-Hazardous Manifest.

<<Con Ed PCB manifest discrepancy.pdf>>

Please advise if you need additional information or action.

David P. Roche

Senior Scientist

Environmental & Chemical Management

Consolidated Edison of New York



212-460-2100 Con Ed PCB manifest discrepancy.pdf



Consolidated Edison Company
of New York, Inc.
1615 Bronxdale Avenue
Bronx NY 10462
www.conEd.com

Registered Letter, Return Receipt Requested

Date: October 24, 2007

Roland Ivers
New York Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Program Management
625 Broadway, 9th Floor
Albany, NY 12233-7250

**SUBJECT: 001027490JJK
October 23, 2007
NYP004154613**

Dear Mr. Ivers:

This letter notifies you of the following discrepancies for the subject manifest:

On the afternoon of Monday, September 24, 2007, a shipment of twelve 55-gallon metal drums were taken from a Con Edison work location (Boston Road and Eastchester Bridge Bronx, NY) by Clean Ventures, Inc under Non-Hazardous Waste Manifest # 102453 and subsequently were transported to Cycle Chem., Inc. in Elizabeth, NJ. Once at Cycle Chem, three (3) composite samples were collected and analyzed and were found to contain PCB's at levels <50 ppm. The twelve drums were then tested individually. Eleven of the drums contained PCB's at levels <50 ppm, however, one drum (Drum I.D. # 1477753) was found to contain a level of PCB's at 11,595 ppm. This drum was subsequently re-tested on October 12, 2007 and the results indicated a level of PCB's at 4,726 ppm.

This single drum has now been manifested under Hazardous Waste manifest number 001027490 JJK having EPA Generator I.D. # NYP004154613, with Waste code B007 and dated October 23, 2007.

Please find included with this notice the following:

- Discrepancy letters generated by the TSDF (Cycle Chem., Inc.),
- Copy of the current Hazardous Waste Manifest dated 10/23/2007.

If you have questions or require additional information, contact me at 917-418-7242

Very Truly Yours,

**Sino Frabasile
EH&S Manager
Maintenance & Construction Services**

cc: Franklyn Murray, Senior Specialist – Con Edison Corporate EH&S
Thomas Teeling, Specialist – Con Edison Corporate EH&S

Cycle Chem

Page: 1

The Environmental Services Source

Date: 10/02/07

DISCREPANCY NOTICE

Customer:	CVI-01 201 South First St Elizabeth, NJ	Work Order :	79427
Generator :	Con Ed of New York Boston Road & Eastchester Bridge Bronx, NY	Date Received :	9/24/07

Quality Control procedures performed on the above referenced waste shipment have revealed the following discrepancies with either the acceptance criteria or the Material Profile Sheet that require changing the disposal treatment or the cost.

Waste Name:		(A) Non-Haz Soil & Debris		Manifest:	CVCC102453		Line Item:	1
Product Code	Price	New Product Code	Price	Drum Size	Cost Increase	Quantity	Total	
GR01-2		PCBM1 (J) PCBT3 (O)		55g 55g		11 1		

Discrepancy: Material was not profiled as containing PCB's, but when 3 composite samples are analyzed in the laboratory - they were found to contain 8.2 ppm, 20.5 ppm and 11.7 ppm PCB's. These 12 drums were re-sampled and re-analyzed individually for PCB's:

- # 1477751 (1/3 solid) - 6.1 ppm
- # 1477752 (1/3 solid) - 15.1 ppm
- # 1477753 (1/3 solid w/debris) - 11,595 ppm
- # 1477754 (2/3 solid w/some liquid) - 8.0 ppm
- # 1477755 (1/3 solid) - 8.2 ppm
- # 1477756 (1/3 solid) - 10.9 ppm
- # 1477757 (2/3 solid) - 19.2 ppm
- # 1477758 (1/3 solid) - 21.8 ppm
- # 1477759 (1/3 solid) - 23.8 ppm
- # 1477760 (1/3 solid) - 18.6 ppm
- # 1477761 (1/3 solid) - 17.1 ppm
- # 1477762 (1/3 solid) - 28.9 ppm

If the drums with < 50 ppm PCB's should not be considered TSCA regulated please provide explanation:

Total Cost Increase: \$

Cycle Chem will process all referenced waste streams and invoice for the listed charges. Response is received in twenty-four hours.

Please authorize the above changes by signing below and faxing back to 908 355 0965 or 0562.

Company

Date

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number NY P 004154-13	2. Page 1 of 1	3. Emergency Response Phone 9083540210	4. Manifest Tracking Number 001027490 JJK			
5. Generator's Name and Mailing Address Consolidated Edison Company of New York, Inc. 1610 Matthews Avenue Brooklyn, NY 10500 Generator's Phone: 9083555800			Generator's Site Address (if different than mailing address) Boston Road Eastchester Bridge, Bronx, NY					
6. Transporter 1 Company Name Clean Venture Inc.			U.S. EPA ID Number NJ0000027193					
7. Transporter 2 Company Name			U.S. EPA ID Number					
8. Designated Facility Name and Site Address Cycle Chem, Inc. 217 South First Street Elizabeth, New Jersey 07208 Facility's Phone: 9083555800			U.S. EPA ID Number NJD002200046					
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes	
	X	1. RQ, Polychlorinated biphenyls, liquid, 584FB5 9. UN 2315 PG III	XXX1	52	K	B007	L	
		2.						
		3.						
		4.						
14. Special Handling Instructions and Additional Information Job # 53703-01-03 ERG # 171 OSD Profile 02 946634 SEND RETURN MANIFEST TO 1610 MATTHEWS AVE BLDG 2- FROM 200 BRX, NY 10462 J. Class								
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.								
Generator's/Officer's Printed/Typed Name CONO FRANKLIN			Signature <i>[Signature]</i>		Month Day Year 10 23 07			
TRANSPORTER	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.			Port of entry/exit: Date leaving U.S.:				
	17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name Michael Sencare Transporter 2 Printed/Typed Name			Signature <i>[Signature]</i> Month Day Year 10 23 07				
DESIGNATED FACILITY	18. Discrepancy 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Manifest Reference Number:							
	18b. Alternate Facility (or Generator) Facility's Phone:			U.S. EPA ID Number				
	18c. Signature of Alternate Facility (or Generator)			Month Day Year				
	19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 1. 2. 3. 4.							
	20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Printed/Typed Name Signature Month Day Year							

November 28, 2007

Chief, Pesticides and Toxic Substances Branch
USEPA - Region II
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679

RE: Unmanifested Waste Report

Dear Chief,

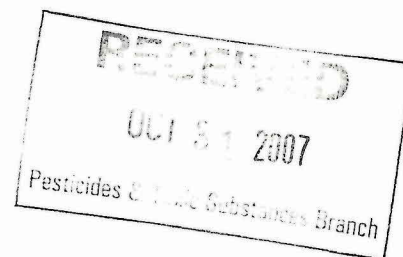
Cycle Chem, Inc. is sending the unmanifested waste report as required in 40 CFR 761.211 for the shipment described hereafter:

A.	Facility	Cycle Chem, Inc. 217 South First Street Elizabeth, New Jersey 07206 NJD002200046
B.	Date Received:	9/24/2007
C.	Generator:	Consolidated Edison of NY 1610 Mathews Ave. Bronx, NY 10462
D.	Transporter:	Clean Venture, Inc. 201 South First Street Elizabeth, NJ 07206 908-355-5800 NJ0000027193
E.	Waste Description:	Debris
F.	Treatment Method:	Storage For Disposal
G.	Total Quantity:	55 gallons
H.	Explanation for Unmanifested Shipment:	Material was considered non-PCB based upon generator knowledge. Material was found to contain greater than 50 PPM PCB after laboratory analysis at Cycle Chem, Inc. Manifest was subsequently obtained.
I.	Certification:	James Butler Regulatory Compliance Officer


Signature

October 25, 2007

Chief, Pesticides and Toxic Substances Branch
USEPA - Region II
2890 Woodbridge Avenue
Edison, New Jersey 08837-3679




RE: Unmanifested Waste Report

Dear Chief,

Cycle Chem, Inc. is sending the unmanifested waste report as required in 40 CFR 761.211 for the shipment described hereafter:

A.	Facility	Cycle Chem, Inc. 217 South First Street Elizabeth, New Jersey 07206 NJD002200046	
B.	Date Received:	9/24/2007	
C.	Generator:	Consolidated Edison of NY 1610 Mathews Ave. Bronx, NY 10462	Site: Boston Road Eastchester Bridge Bronx, NY
D.	Transporter:	Clean Venture, Inc. 201 South First Street Elizabeth, NJ 07206 908-355-5800 NJ0000027193	
E.	Waste Description:	debris	
F.	Treatment Method:	Storage For Disposal	
G.	Total Quantity:	300 lbs	
H.	Explanation for Unmanifested Shipment:	Material was considered non-PCB based upon generator knowledge. Material was found to contain greater than 50 PPM PCB after laboratory analysis at Cycle Chem, Inc. A manifest has subsequently been received.	
I.	Certification:	James Butler Regulatory Compliance Officer	


Signature